

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Received & Inspected

AUG -4 2017

FCC Mailroom

In the Matter of

Northwest Medical Center

Request for Review of Decisions of the
Universal Service Administrative Company

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WC Docket No. 02-60

To: Wireline Competition Bureau

DOCKET FILE COPY ORIGINAL

REQUEST FOR REVIEW AND RULE WAIVER

Pursuant to §§ 54.719(c) and 54.720(a) of the Commission's Rules ("Rules"), Northwest Medical Center ("Northwest") hereby requests that the Commission review and reverse the decision of the Universal Service Administrative Company ("USAC") below, waive § 54.605 of the Rules, and grant funding to Northwest as specified herein. In support thereof, the following is respectfully submitted:

FACTS

Northwest Medical Center, located in Albany, Mo. is a rural not-for-profit hospital system with multiple clinics serving rural counties throughout northwestern Missouri.

In 2013, Northwest engaged a consulting firm, USF Healthcare Consulting, Inc. ("UHC"), to assist it in obtaining Universal Service support through the Telecommunications Program ("Telecom Program") for rural health care providers ("HCPs"). Northwest authorized UHC to prepare the FCC Forms 465 ("Form 465") and the FCC Forms 466 ("Form 466") necessary to obtain Telecom Program funding and to submit them electronically to USAC's Rural Health Care Division ("RHCD").

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UHC helped Northwest obtain funding for switched Ethernet services to connect all of their facilities in a private network.

As the Commission is aware, participants in the Telecom Program have found it difficult to determine urban rates as required by § 54.605 of the Rules.¹ As set forth in the Declaration of Geoff W. Boggs, UHC's Chief Executive Officer, UHC found it difficult to obtain tariffed or publicly available rates for high-speed Ethernet packet-based services that are offered in urban areas (cities with populations of 50,000 or more).² Consequently, UHC followed the practice of obtaining urban rates from urban service providers.³ To document the urban rate, UHC asked the provider to supply a letter on its letterhead that states the rate that is charged in an urban area in the state.⁴

In the case of Northwest, UHC relied on a letter from Scott Madison, the managing member of Network Services Solutions ("NSS"). Mr. Madison represented that "[t]he urban rate for a 20M Ethernet connection in St. Louis, Mo. is \$138.00 per channel termination. This rate is based upon a 36-month term"⁵ UHC prepared and submitted 466 forms for Northwest that gave \$138.00 as the urban rate for the 20 Mbps Ethernet services and a 5 Mbps Ethernet Service.⁶

On March 29, 2017, the RHCD requested that Northwest explain how it derived the \$138.00 urban rate to provide urban rate documentation.⁷ In response, UHC provided the RHCD

¹ See, e.g., Comments of Alaska Communications, GN Docket No. 16-46, at 12-13 (May 24, 2017) ("Alaska Communications Comments").

² See Exhibit 1 at 2 (¶ 7).

³ See *id.* (¶ 8).

⁴ See *id.*

⁵ *Id.* (¶ 9).

⁶ See *id.* at 6 (¶ 6), 2 (Table 2).

⁷ See *id.* at 3 (¶¶ 11, 12).

with documents showing that BellSouth Telecommunications, LLC, offered to provide 100 Mbps switched Ethernet service throughout Missouri, affectively amending the urban rate, to a monthly charge of \$195.00 under a three-year contract.⁸ Thereafter, UHC repeatedly asked if the RHCD needed additional information or if it could speak with the RHCD staffer who was reviewing the \$195.00 urban rate.⁹ UHC expected that it would be contacted if the RHCD had any questions with regard to the urban rate, and that it would be afforded the opportunity to address any such questions before the RHCD would render its funding decisions.¹⁰ However, UHC was given no such opportunity.¹¹

On May 16, 2017, UHC emailed RHCD another urban rate for \$199.96 from Bluebird Network on the chance that RHCD did not accept the \$195 urban rate.

On June 2, 2017, the RHCD notified Northwest that USAC was “unable to provide support” to Northwest, specifically because it had not “demonstrated that the urban rate provided for the requested service is ‘no higher than the highest tariffed or publicly-available rate charged to a commercial customer for a *functionally similar* service’ in any city with a population of 50,000 or more in that state.”¹² The RHCD did not explain why Northwest’s submissions were insufficient or why it did not grant Northwest’s requests for the opportunity to address the urban rate issue.

Northwest Medical Center relies on these circuits for communication between our hospital

⁸ See *id.* (¶ 13).

⁹ See *id.* at 4-5 (¶¶ 14, 15, 17-19).

¹⁰ See *id.* at 5 (¶ 21).

¹¹ See *id.*

¹² *Id.* (¶ 22).

and rural clinics. They allow us to exchange voice and data and without them our most remote clinics would be cut off from the medical center. The USAC program has allowed us to put these in place by making the connections affordable. In today's healthcare world of reduced reimbursements and increased costs, we rely heavily on the program's support to continue to offer high quality services to our patients.

WAIVER STANDARD

Northwest seeks a waiver of § 54.603 of the Rules to permit it to receive the appropriate level of USF support for the Funding Year 2016. The Commission has the discretion to grant the requested waiver under § 1.3 of the Rules, which provides:

The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act ["APA"] and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.¹³

Generally speaking, the Commission may exercise its discretion under the APA and § 1.3 of the Rules to suspend or waive a Rule for good cause "only if special circumstances warrant a deviation from the general and such deviation will serve the public interest." *Northeast Cellular Telephone Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). Of course, the Commission must grant waivers pursuant to an "appropriate general standard." *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969). The Wireline Competition Bureau ("WTB") recently set forth the general standard that is applied to requests for waivers of §§ 54.600 – 54.625 of the Rules, which govern the Telecom Program:

The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. Waiver of the

¹³ 47 C.F.R. § 1.3.

Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.¹⁴

ARGUMENT

In the words of one participant in the Telecom Program, the rules governing the program (“Telecom Rules”) “written two decades ago for a world of tariffed low-bandwidth, circuit-switched services are increasingly unworkable.”¹⁵ In 2012, the Commission promised to address potential reforms to the Telecom Program “at a future date.”¹⁶ In the meantime, it has allowed its woefully outdated Telecom Rules to remain in effect.¹⁷ Section 54.605 of the Telecom Rules is one such rule.

Adopted in 1997, § 54.605 of the Telecom Rules has remained virtually unchanged.¹⁸ The rule provides that the “urban rate” that an HCP should pay is “a rate no higher than the highest tariffed or publicly-available rate charged to a commercial customer for a functionally similar service in any city with a population of 50,000 or more in that state, calculated as if it were provided between two points within the city.” Although “[d]etermining the urban rate” is the heading of § 54.605, the rule does address exactly how an HCP should go about determining the “highest tariffed or publicly-available rate charged” for a similar service in an urban area.

The Commission assumed in 1997 that such the urban rate would be “tariffed or publicly available” and thus readily accessible. That assumption may have been well founded in 1997, but

¹⁴ *Rural Health Care Universal Service Support Mechanism*, 2017 WL 735668, at *2 (WTB Feb. 10, 2017). (footnotes omitted) (“NSS Waiver Decision”).

¹⁵ Alaska Communications Comments at 12.

¹⁶ *Rural Health Care Support Mechanism*, 27 FCC Rcd 16678, 16751 n.433 (2012)

¹⁷ See *id.* at 16815 (¶ 344).

¹⁸ Compare *Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, 9348-49 (1997) with 47 C.F.R. § 54.605 (2017).

not so today. Now, HCPs use high-bandwidth services, like video and teleconferencing, which are provided by lightly-regulated competitive carriers over high-speed Ethernet packet-based networks. Those services are provided at competitive, market-driven rates, which often are neither tariffed nor publicly-available.¹⁹ USAC was undoubtedly aware that HCPs were experiencing difficulty in ascertaining the urban rates for broadband Ethernet-based services.

The difficulties UHC experienced in obtaining urban rates for Ethernet services led it to obtain the urban rates for such services from urban service providers.²⁰ UHC's practice would be to obtain a letter on a service provider's letterhead that would state the rate that is charged in an urban area in the state for an Ethernet service similar to that required by the HCP. UHC would provide USAC with a copy of the service provider's letter to document the urban rate. The provision of such a letter is an approved means of documenting an urban rate.²¹

In this case, UHC obtained a letter on NSS's letterhead that represented that the urban rate for 20 Mbps Ethernet service in St. Louis, Mo. was \$138.00 per channel termination. The Commission subsequently found that NSS's determinations of urban rates apparently were not calculated in the manner required by § 54.605 of the Telecom Rules.²² Accordingly, when the RHCD questioned the validity of the urban rate that NSS supplied to Northwest, UHC obtained documentation from another urban service provider to show that \$195.00 was the urban rate for Ethernet service in Missouri for speeds up to 100 Meg.²³ UHC obtained such documentation and

¹⁹ See Exhibit 1 at 2 (¶ 7).

²⁰ See *id.* at 2 (¶ 8).

²¹ See Form 466 Instructions, at 8 (July 2014) (urban rate documentation "may include tariff pages, contracts, a letter on company letterhead from the urban service provider, rate pricing information printed from the urban service provider's website, or similar documentation").

²² See *Network Services Solutions, LLC*, 31 FCC Rcd 12238, 12275 (¶ 107) (2016).

²³ See Exhibit 1 at 3-4 (¶ 13).

submitted it to the RHCD in timely fashion.²⁴ We also provided another urban rate from a second carrier for \$199.96.

During the 65-day period between March 29, 2017, when Northwest responded to the RHCD's inquiry, and June 2, 2017, when the RHCD rendered its funding decision, the RHCD did not: (1) advise UHC that its submission did not demonstrate its urban rate was no higher than the highest rate charged in Missouri for 20 Mbps Ethernet service; (2) respond to UHC's repeated requests for feedback; or (3) give UHC an opportunity to correct Northwest's response by specifying that the urban rate for the Ethernet service should be \$199.96 or the \$195 plus CIR. The RHCD simply and inexplicably denied funding to Northwest.

Under the special circumstances of this case, the strict enforcement of § 54.605 would be inequitable, inconsistent with the policies embodied in § 254(h)(1)(A) of the Act, and ultimately inconsistent with the public interest. With respect to the equities, the Commission should note the following facts.

- It is difficult for HCPs to determine the urban rates for Ethernet services in accordance with the outdated requirements of § 54.605.
- Northwest complied with the Commission's requirement that it submit "missing or relevant support documentation" within 14 days of the RHCD's request for information.²⁵
- UHC relied on NSS's \$195.00 urban rate in good faith, and that reliance led it to incorrectly identify AT&T's Ethernet basic port charge of \$195.00 as the urban rate in its initial response to the RHCD's inquiry.²⁶

²⁴ See *id.*

²⁵ *Rural Health Care Support Mechanism*, 30 FCC Rcd 230, 231 (¶ 3) (WCB 2015).

²⁶ See Exhibit 1 at 3-4 (¶ 13), Attachment 1.

- UHC reasonably expected that the RHCD would give it the opportunity to correct any errors in its initial submission.²⁷
- The RHCD ignored UHC's repeated requests to be informed of any problem with its proposed urban rate, and to be given the opportunity to address any such problem.
- UHC could have corrected its error in timely fashion had the RHCD clearly informed UHC that the urban rate had to include one of AT&T's "committed information rates" ("CIRs") as well as its basic port charge.²⁸
- Since Northwest did not receive any feedback, they sent a second urban rate \$199.96 per terminating end.

Northwest respectfully submits that RHCD abused its discretion when it refused to allow UHC to correct its mistaken reliance on NSS. The RHCD's refusal to grant equitable relief to Northwest makes it inequitable for the Commission to strictly enforce § 54.605 in this case. The Commission should grant Northwest a limited waiver of § 54.605 to permit it to receive funding for the Fiscal Year 2016. Such action would be consistent with the relief that the Commission has afforded other HCPs whose reliance on NSS led USAC to deny their funding requests. *See NSS Waiver Decision*, 2017 WL 735668, at *2-3 (¶¶ 6-8).

Grant of the requested waiver would comport with the policy that Congress codified when it authorized the Commission to establish the Telecom Program. Congress instructed the Commission to base policies for the preservation and advancement of universal service in part on the principle that HCPs "should have access to advance telecommunications services as described

²⁷ *See id.* at 5 (¶ 21).

²⁸ *See id.* at 5-6 (¶¶ 23, 24), Attachment 3.

in [§ 254(h) of the Act].”²⁹ Section 254(h)(1)(A) of the Act provides:

A telecommunications carrier shall, upon receiving a bona fide request, provide telecommunications services which are necessary for the provision of health care services in a State, including instruction relating to such services, to any public or nonprofit [HCP] that serves persons who reside in rural areas in that State at rates that are reasonably comparable to rates charged for similar services in urban areas in that State. A telecommunications carrier providing service under this paragraph shall be entitled to have an amount equal to the difference, if any, between the rates for services provided to [HCPs] for rural areas in a State and the rates for similar services provided to other customers in comparable rural areas in that State treated as a service obligation as a part of its obligation to participate in the mechanisms to preserve and advance universal service.³⁰

Congress codified the policy that HCPs be afforded access to advanced telecommunications services, such as Ethernet-based broadband services, at rates that are reasonably comparable to urban rates for similar services. That Congressional policy must outweigh the interests of “efficiency and effectiveness” that are served by the 14-day deadline for submitting urban rate documentation to the RHCD.³¹ And that policy would clearly be served if the Commission permits Northwest to submit a Form 466 that will allow it to receive Ethernet services at rates that are in fact reasonably comparable to the rates charged by AT&T for similar Ethernet services in cities in Alabama. The Commission should reverse the RHCD and grant the rule waiver that is necessary to allow Northwest to submit such a Form 466 to the RHCD *nunc pro tunc* as of March 29, 2017.

REQUEST FOR RELIEF

Attached hereto as Exhibit 2 is are the 466 Form’s for Northwest. Table 1 below lists the rural and urban rates for each HCP.

HCP	Old FRN	Service	Bandwidth	Rural Rate	Urban Rate
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²⁹ 47 U.S.C. § 254(b)(6).

³⁰ 47 U.S.C. § 254(h)(1)(A).

³¹ *Rural Health Care Support Mechanism*, 30 FCC Rcd at 231 (¶ 3).

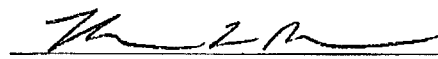
17908-NW Medical Ctr	1691146	Ethernet	20 Mbps	\$3,250.00	\$199.96
17908-NW Medical Ctr	1691149	Ethernet	20 Mbps	\$1,800.00	\$199.96
17908-NW Medical Ctr	1691145	Ethernet	20 Mbps	\$3,000.00	\$199.96
17908-NW Medical Ctr	1691147	Ethernet	20 Mbps	\$1,800.00	\$199.96
18338 NW Medical Ctr-Stanberry	1691151	Ethernet	20 Mbps	\$2,200.00	\$199.96
30931 NW Medical Ctr-New Hampton	1691150	Ethernet	5 Mbps	\$2,400.00	\$199.96

Northwest respectfully requests that the Commission; (1) waive § 54.605 of the Telecom Rules to the limited extent of allowing Northwest to submit the 466 Form's that is attached as Exhibit 2 to USAC; and (2) direct USAC to process the 466 Form's as if it had been submitted on March 29, 2017 in response to the RHCD's request for information.

Respectfully submitted,

Northwest Medical Center

By:



Thomas L. Medsker
Director – Regional IT
Northwest Medical Center
705 N. College St
Albany, MO 64402
660-726-3941
7/31/17

EXHIBIT 1

DECLARATION

I, Geoff W. Boggs, do hereby declare as follows:

1. I am the Chief Executive Officer of USF Healthcare Consulting, Inc. ("UHC").
2. USF Healthcare Consulting, Inc. is a Kentucky based corporation that assists nonprofit Healthcare Facility with their Universal Service Fund applications.
3. Northwest Medical Center (Northwest) is a non-profit, comprehensive healthcare-system serving the needs of communities in Missouri
4. UHC was retained to assist Northwest in obtaining Universal Service support through the Telecommunications Program ("Telecom Program") for rural health care providers ("HCPs"). Northwest authorized UHC to prepare the FCC Forms 465 ("Form 465s") and the FCC Forms 466 ("Form 466s") necessary to obtain Telecom Program funding and to submit them electronically to the Rural Health Care Division ("RHCD") of the Universal Service Administrative Company ("USAC").
5. I am preparing this declaration to support the appeal and request for waiver that Northwest plans to file with respect to the RHCD's decisions not to approve the funding request numbers ("FRNs") identified in Table 1 below:

TABLE 1

FUND YEAR	HCP No.	HCP NAME	FRN
2016	17908	Northwest Medical Center	1691146
2016	17908	Northwest Medical Center	1691149
2016	17908	Northwest Medical Center	1691145
2016	17908	Northwest Medical Center	1691147
2016	18338	Northwest- Stanberry Rural Health Center	1691151
2016	30931	Northwest- New Hampton Clinic	1691150

6. UHC prepared and submitted the Form 465s and Form 466s associated with the FRNs identified above. I was listed as the contact person at Line 16 of the Form 465s and I

electronically signed and certified the Form 466s. The Form 466s that were submitted electronically to USAC between 7/13/16 and 7/18/16 included the information set forth in Table

2.

TABLE 2

HCP	FRN	Service	Bandwidth	Rural Rate	Urban Rate
17908-NW Medical Ctr	1691146	Ethernet	20 Mbps	\$3,250.00	\$138.00
17908-NW Medical Ctr	1691149	Ethernet	20 Mbps	\$1,800.00	\$138.00
17908-NW Medical Ctr	1691145	Ethernet	20 Mbps	\$3,000.00	\$138.00
17908-NW Medical Ctr	1691147	Ethernet	20 Mbps	\$1,800.00	\$138.00
18338 NW Medical Ctr-Stanberry	1691151	Ethernet	20 Mbps	\$2,200.00	\$138.00
30931 NW Medical Ctr-New Hampton	1691150	Ethernet	5 Mbps	\$2,400.00	\$138.00

7. UHC found it difficult to obtain tariffed or publicly available rates for high-speed Ethernet packet-based services that are offered in urban areas (cities with populations of 50,000 or more). Typically, such services are provided by lightly-regulated competitive carriers that neither publish tariffs nor make their urban rates available to the public.

8. Because of the difficulty of obtaining publicly-available urban rates for Ethernet services, UHC followed the practice of obtaining urban rates from urban service providers. To document the urban rate, UHC asked the provider to supply a letter on its letterhead that states the rate that is charged in an urban area in the state for an Ethernet service similar to that required by the HCP.

9. To provide the urban rate documentation required by Line 41 of the Form 466s, the six Northwest HCPs submitted a letter, dated August 4, 2014 from Scott Madison, the managing member of Network Services Solutions ("NSS"). Mr. Madison represented that an urban rate for

a 20 Meg circuit in St. Louis, Mo. is \$138. I understood that NSS provided service to HCPs in the Telecom Program.

10. As far as I am aware, there is no Commission rule that informs an HCP of how it must submit a Form 466 electronically to USAC, or how the HCP must document the urban rate that is provided in a Form 466. Moreover, I do not know of a Commission rule that affords an HCP no more than 14 calendar days to respond to a USAC request for omitted or adequate documentation of the urban rate. I was led to believe that an HCP was free to supplement its initial response to a USAC request for urban rate documentation.

11. On March 27, 2017, the RHCD sent an email to James Crouch, with a copy to me, which referred to an attachment that posed questions with regard to the six above-identified FRNs. The email stated, "Please submit your responses to these inquiries by no later than fourteen (14) calendar days from the date of this letter. Failure to provide the requested information within this time frame will result in denial of the funding requests." In contrast, the attachment concluded:

Please submit your responses to the above requests by no later than **fourteen (14) calendar days** from the date of this letter. Failure to respond to USAC's information requests in a timely manner and/or provide the requested documentation demonstrating compliance with the Commission's rules may result in denial of the funding request, a commitment adjustment, rejection of an invoice, and/or recovery of improperly disbursed funds. The responses you provide may also result in a follow-up information requests by USAC as necessary.

12. Northwest was requested to provide: (a) an explanation of "how the urban of \$138.00 was derived;" (b) "documentation to support the urban rate provided, including, but not limited to, documentation that supports that the urban rate for the requested service is 'no higher than the highest tariffed or publicly-available rate charged to a commercial customer for a functionally similar service' in any city with a population of 50,000 or more in that state;" and (c) an "explanation how each HCP's request for 5 Mbps and 20 Mbps Ethernet services are

‘functionally similar’ to the services(s) used for purposes of this comparison.”

13. Attachment 1 to this declaration is a copy of the email that I sent to the RHCD on March 29, 2017, in response to its information request. I effectively informed the RHCD that Northwest was amending its Form 466s by specifying that the urban rate was \$380.00. In my email, I stated as follows:

I have attached the AT&T tariff which is for up to a 1 GIG for \$195 for each end.
These circuits are point to point circuits so the urban rate should be $195 \times 2 = 380$

HCP 17908 FRN 1691146, 1691149, 1691145 and 1691147

HCP 18338 FRN 1691151

HCP 30931 FRN 1691150

Please confirm receipt and let me know if we are missing anything.

14. To document the \$380.00 urban rate, I provided the RHCD with a two-page rate card that showed AT&T’s rates for its switched Ethernet services effective May 1, 2016, and an excerpt from the “AT&T Switched Ethernet Service Guide,” which described switched Ethernet service as supporting point-to-point service or a “connection between two ports.” The rate card showed that AT&T’s switched Ethernet services basic port charge was \$195.00 for a three-year contract.

15. Concerned that USAC had not approved the Forms 466s that UHC had filed that relied on the \$195.00 urban rate, I sent an email to Erica Stauter at USAC on April 14, 2017 in which I stated:

I wanted to ask about the Ethernet applications we filed and then resubmitted urban rates. We have not received any approvals on these and I wanted to make sure that you did not need anything else from us. Jeremy [Matkovich] told us our urban rates were fine, so I am just checking.

Some of our HCP [clients] are clamoring about their credits and I want to give them an answer.

16. On April 14, 2017, Blythe Albert responded to my email to Ms. Stauter. She sent me an email informing me as follows:

There seems to be some miscommunication about the forms below. These forms are being reviewed using the documentation provided. Until the reviews of all of these forms has been completed no commitments will be issued. During the review process, additional questions may be asked to verify the information provided. The attached email is the correspondence between you and Jeremy. He did not explicitly say that the urban rates were fine. The first sentence says, "If the monthly recurring cost for services(s) that the HCP is requesting only for the transport and does not include any service charges(s)....." We will reach out with more questions if necessary. Thanks.

17. I immediately sent Ms. Albert an email in which I asked her: "If they are not accepted, will you tell us before denying? We want to make sure we are providing the right urban rates." Ms. Albert did not answer my question.

18. Beginning on May 11, 2017, I began providing Ms. Albert with copies AT&T pricing schedules showing that AT&T offered 100 Mbps switched Ethernet service to HCPs at rates comparable to the \$195 urban rate specified in the Form 466s that the Northwest HCPs submitted. I sent her rate schedules showing that AT&T had agreed to provide 100 Mbps switched Ethernet services to an HCP in Hondo, Texas at a monthly rate of \$214.50, and to an HCP in Independence, Kansas at a monthly rate of \$235.95. These rates were good throughout all AT&T territories including St. Louis, Mo. I offered to discuss the rate schedules with Ms. Albert, and I asked her if I could speak with the person who was reviewing the 195.00 urban rate.

19. Attachment 2 is a copy of the email that I sent USAC on behalf of the Northwest on May 16, 2017. In my email, I stated:

I have attached a new urban rate letter and email confirming communications. The rate has not changed from the first urban rate letter we sent, but there has been a personnel change.

This rate is for the following HCP's/FRN's

HCP 17908 FRN's 1691147, 1691146, 1691145, 1691149
HCP 18338 FRN 1961151
HCP 30931 FRN 1691150

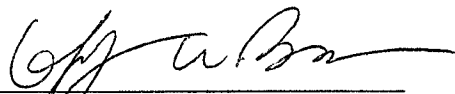
20. Attached to my email was a copy of a letter, from KC Fiber, detailing a quote for \$199.96 for a Point to Point 100 Meg circuit in Kansas City, Mo.

21. I fully expected that the RHCD would contact me if it had any questions with regard to the \$195 or the 199.96 urban rate, and Northwest would be afforded the opportunity to address any such questions before the RHCD would render its funding decisions. UHC was given no such opportunity. I asked Blythe Albert multiple times to talk to the reviewer and never received any communication from a reviewer.

22. On June 2, 2017, I was notified that USAC was “unable to provide support” to the Northwest HCP’s, specifically because they had not “demonstrated that the urban rate provided for the requested is ‘no higher than the highest tariffed or publicly-available rate charged to a commercial customer for a *functionally similar* service’ in any city with a population of 50,000 or more in that state.”

23. We believe we have provided the correct urban rates and are requesting that the Northwest Medical be allowed to file new 466’s with the urban rates listed above. If RHCD had the reviewer call us, to answer their questions, we believe we would have gotten these RFP’s approved.

24. I declare under penalty of perjury that the foregoing is true and correct. Executed on July 20, 2017.



Geoff W. Boggs

ATTACHMENT 1

Geoff Boggs

Northwest

From: Geoff Boggs
Sent: Wednesday, March 29, 2017 12:08 PM
To: 'RHC-Assist'
Subject: RE: Request for Information for HCP#(s) 17908, 18338, and 30931 for FY 2016
Attachments: AT&T Ethernet @ \$195.00.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

I have attached the AT&T tariff which is for up to a 1 GIG for \$195 for each end. These circuits are point to point circuits so the urban rate should be $\$195 \times 2 = \380

HCP 17908 FRN 1691146, 1691149, 1691145 and 1691147
HCP 18338 FRN 1691151
HCP 30931 FRN 1691150

Please confirm receipt and let me know if we are missing anything.

Thanks

Geoff Boggs
USF Healthcare Consulting, Inc.
P. O. Box 326
Prospect, KY 40059
502-228-1907
888-875-8810 Fax
gboggs@uasave.com

From: RHC-Assist [mailto:rhc-assist@usac.org]
Sent: Monday, March 27, 2017 2:59 PM
To: james.crouch@northwestmedicalcenter.net
Cc: gboggs@uasave.com
Subject: Request for Information for HCP#(s) 17908, 18338, and 30931 for FY 2016

James Crouch,

Please see attached document for additional information regarding HCP number(s) 17908, 18338, and 30931 for FY 2016.

Please submit your responses to these inquiries by no later than fourteen (14) calendar days from the date of this letter. Failure to provide the requested information within this time frame will result in denial of the funding requests.

The information contained in this electronic communication and any attachments and links to websites are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering this communication to the intended recipient, be advised you have received this communication in error and that any use, dissemination,

ATTACHMENT 2

Geoff Boggs

From: Geoff Boggs
Sent: Tuesday, May 16, 2017 5:16 PM
To: 'RHC-Assist'
Subject: Urban Rate
Attachments: Mo Email - 100 Meg for Northwest Medical Center.pdf; Mo 100 Meg for Northwest Medical Center.pdf

I have attached a new urban rate letter and email confirming communication. The rate has not changed from the first urban rate letter we sent, but there has be a personnel change.

This rate is for the following HCP's/FRN's:

HCP 17908

FRN's:

1691147

1691146

1691145

1691149

HCP 18338 FRN 1691151

HCP 30931 FRN 1691150

Geoff Boggs
USF Healthcare Consulting, Inc.
P. O. Box 326
Prospect, KY 40059
502-228-1907
888-875-8810 Fax
gboggs@uasave.com

EXHIBIT 2

Health Care Providers Universal Service
Funding Request and Certification Form

The deadline to submit this form is the June 30th end of the funding year.

Estimated time per response: 3 hours

Read instructions thoroughly before completing this form. Failure to comply may cause delayed or denied funding.**Block 1: HCP Information**

1 HCP Name Northwest Medical Center	2 HCP Number 17908
3 Form 465 Application # 43143596	4 Consortium Name (If any)

Block 2: Bill Payer Information

5 Billed Entity Name Northwest Medical Center	6 Billed Entity FCC RN 0002504975
7 Contact Name James Crouch	
8 Address Line 1 705 N College Street	
9 Address Line 2	
10 City Albany	11 State MO 12 Zip 64402
13 Contact Phone # 660-726-1261	14 Fax # 15 Email james.crouch@northwestmedicalcenter.org

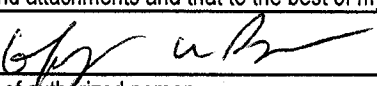
Block 3: Funding Year Information

16 Funding Year - Check only one box
<input type="checkbox"/> Year 2014 (7/1/2014-6/30/2015) <input type="checkbox"/> Year 2015 (7/1/2015-6/30/2016) <input checked="" type="checkbox"/> Year 2016 (7/1/2016-6/30/2017)

Block 4: Service Information

17 Type of Service & Circuit Bandwidth (Documentation required) PTP 20M Ethernet	
18 Total Billed Miles 0	19 Maximum Allowable Distance (From Form 465) 101
20 Percentage of HCP's service used for the provision of health care. 100 (If less than 100%, please explain.) If the HCP indicated it is a part-time eligible entity (on Form 465), describe method of allocating prorated support. 	

Connection Information	Carrier A	Carrier B	Carrier C	Carrier D
21 Service Provider Name	Bluebird Network			
22 Service Provider Identification Number (SPIN)	143027882			
23 Service Provider Contact Person Name	Michael Morey			
24 Service Provider Contact Person's Phone #	816-361-8821			
25 Service Provider Contact Person Email	michael.morey@bluebirdnetwork.com			
26 Circuit Start Location	705 N College, Albany MO 64402			
27 Circuit Termination Location	1102 Grand Ave MMR Kansas City MO 64106			
28 Billing Account Number	NWMEDC			
29 Tariff, Contract or other document reference number	793352			
30 Date Contract Signed or Date HCP Selected Carrier	11/14/2014			
31 Contract Expiration Date (mm/dd/yyyy or NA if MTM)	08/01/2016			
32 Service Installation Date	1/1/2015			
33 Actual Rural Rate per Month (Enclose Documentation)	3250.00			
34 If you are a consortium member OR have multiple carriers, please attach a Circuit Diagram to show how the sites interconnect and which carrier(s) provides each circuit segment. Circuit Diagram included: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
35 Are you a mobile rural health care provider? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, see instructions and attach a list of all sites to be served.				

IF YOU ARE REQUESTING SUPPORT FOR MILEAGE-BASED CHARGES, COMPLETE BLOCK 5 ONLY AND SKIP BLOCK 6. (PLEASE SEE INSTRUCTIONS). IF YOU ARE REQUESTING SUPPORT BASED ON URBAN/RURAL RATE COMPARISON, SKIP BLOCK 5 AND COMPLETE ONLY BLOCK 6. YOUR APPLICATION CANNOT BE PROCESSED IF BOTH BLOCKS ARE COMPLETED.				
Block 5: Mileage-based Charge Discount Request				
Complete this block if you are seeking support for mileage (distance-based) charges only. Do not enter any other charges in this block. You may need to ask your service provider representative to provide this information				
36 Billed Circuit Miles				
37 Monthly Mileage Charges (Exclude Channel Termination chgs, etc.)				
38 Cost per Mile per Month				
If Line 33 equals Line 37, please ensure that ONLY mileage-related charges are included in Line 37. (See instructions.)				
Block 6: Comprehensive Rate Comparison Request				
Complete Block 6 if you have not completed Block 5 and are requesting support for all elements of your telecommunications service necessary for the provision of health care. The information in this block will establish the difference between the urban and rural rates for your requested service. Please contact RHCD at (800 453-1546 if you need assistance.				
39 One-time Urban Rate Charge (in selected large city)				
40 One-time Rural Rate Charge (in city where HCP is located)				
41 Monthly Urban Rate (in selected large city). From RHCD website: <input type="checkbox"/> or Other rate documentation attached: <input checked="" type="checkbox"/>	\$199.96			
If your circuit includes charges for mileage over the Maximum Allowable Dist., (Line 19), please complete Lines 42 to 44. Otherwise, skip to Block 7.				
42 Billed Circuit Miles				
43 Monthly Mileage Based Charges				
44 Cost per Mile per Month				
Block 7: Bid Documentation				
45 Did you receive any bids in response to the Form 465 Request for Services posted on the RHCD website? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If you checked yes, copies of the bids MUST be submitted to RHCD.				
Block 8: Certification				
46 <input checked="" type="checkbox"/> I certify that the above named entity has considered all bids received and selected the most cost-effective method of providing the requested service or services. The "most cost-effective service" is defined in the Universal Service Order as the service available at the lowest cost after consideration of the features, quality of transmission, reliability, and other factors that the health care provider deems necessary for the service to adequately transmit the health care services required by the health care provider.				
47 <input checked="" type="checkbox"/> Pursuant to 47 C.F.R. Secs. 54.601 and 54.603, I certify that the HCP or consortium that I am representing satisfies all of the requirements herein and will abide by all of the relevant requirements, including all applicable FCC rules, with respect to universal service benefits provided under 47 U.S.C. Sec. 254. I understand that any letter from RHCD that erroneously states that funds will be made available for the benefit of the applicant may be subject to rescission.				
48 <input checked="" type="checkbox"/> I hereby certify that the billed entity will maintain complete billing records for the service for five years.				
49 <input checked="" type="checkbox"/> I certify that I am authorized to submit this request on behalf of the above-named Billed Entity and HCP, and that I have examined this form and attachments and that to the best of my knowledge, information, and belief, all statements of fact contained herein are true.				
50 Signature			51 Date	7/18/2017
52 Printed name of authorized person	Geoff Boggs		53 Title or position of authorized person	CEO
54 Employer of authorized person	USF Healthcare Consulting, Inc		55 Employer's FCC RN	0018694075

Please remember:

- ♦ You must submit one Form 466 for **each service** (i.e., circuit) for which you request reduced rates. For example:
 - If you are requesting reduced rates for **two** T1 lines, you must submit **two** Forms 466.
 - If you are requesting reduced rates for **two** ISDN lines & **one** Frame Relay line, you must submit **three** Forms 466.
- ♦ If the service described on this form is subject to the 28-day competitive bidding requirement, do not select a carrier or complete the Form 466 before or during the 28-day posting period.
- ♦ You must provide evidence of the urban rate if you have completed Block 6 and have not used the urban rates from the website.
- ♦ This form, attachments, and supporting documents should be combined in one envelope and sent to the RHCD.
- ♦ If the service described on this form changes (e.g., rate change) during the funding year, **you must notify RHCD immediately** and submit a revised Form 466.
- ♦ If you have any questions, contact RHCD at (800) 453-1546.

Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 3 of the Commission's Rules authorize the FCC to request the information on this form. The data reported will be used to ensure that health care providers have selected the most cost-effective method of providing the requested services as set forth in 47 C.F.R. Section 54.603(b)(4). The information will be used by the Universal Service Administrative Company and/or the staff of the Federal Communications Commission, to evaluate this form, to provide information for enforcement and rulemaking proceedings and to maintain a current inventory of applicants, health care providers, billed entities, and service providers. No authorization can be granted unless all information requested is provided. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Act Project (3060-0804), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to pra@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0804.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

This form should be submitted online through the RHC Program online application system, My Portal.
<https://forms.universalservice.org/usaclogin/login.asp>